region is present if said first region can be used to produce a functional double-stranded promoter sequence using a complementary oligonucleotide,

C1

further provided that if said first region is nucleic acid which can be used to produce said functional double-stranded promoter sequence using said complementary oligonucleotide, then said decoy probe does not have a nucleic acid sequence greater than about 10 nucleotides in length joined directly to the 3' end of said first region and said decoy probe does not have a terminal 3' OH group available to accept a nucleoside triphosphate in a polymerization reaction.

11. (Twice Amended) A purified decoy probe comprising:

a first nucleotide base recognition sequence region, wherein said first region has at least 35% sequence similarity to an RNA polymerase promoter sequence; and

an optionally present second nucleotide base recognition sequence region,

provided that if said first region is nucleic acid and said second region is present, then said second region is either directly joined to the 5' end of said first region or is joined to the 3' end or 5' end of said first region by a non-nucleotide linker, wherein said optionally present second region is present if said first region can be used to produce a functional double-stranded promoter sequence using a complementary oligonucleotide,

C2

further provided that if said first region is nucleic acid which can be used to produce said functional double-stranded promoter sequence using said complementary oligonucleotide, then said decoy probe does not have a nucleic acid sequence greater than about 10 nucleotides in length joined directly to the 3' end of said first region and said decoy probe does not have a terminal 3' OH group available to accept a nucleoside triphosphate in a polymerization reaction.

C3

36. (New) The probe of claim 1, wherein said second region is present and the 3' end of said second region is joined to the 3' end of said first region by a non-nucleotide linker.

37. (New) The probe of claim 11, wherein said second region is present and the 3' end of said second region is joined to the 3' end of said first region by a non-nucleotide linker.

C3

38. (New) The probe of claim 1, wherein said first region cannot be used to produce said functional double-stranded promoter sequence.

39. (New) The probe of claim 11, wherein said first region cannot be used to produce said functional double-stranded promoter sequence.

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Remarks

Claims 1-18 and 34-39 are presently pending in the subject application.

Reconsideration and allowance in view of the above amendments and the following remarks are respectfully requested.

Claims 1 and 11 have been amended herein to further clarify that the claimed decoy probe only requires the second region when the first region can be used to produce a functional double-stranded promoter sequence using a complementary oligonucleotide. Claims 1 and 11 have also been amended herein to emphasize that the claimed decoy probe does not have a terminal 3' OH group available to accept a nucleoside triphosphate in a polymerization reaction. This amendment finds support in the specification at, for example, the paragraph bridging pages 22 and 23. This amendment does not further limit the claims, as the specification clearly states that blocking groups may be added to a nucleic acid "to inhibit nucleic acid polymerization catalyzed by a nucleic acid polymerase." *See* specification at page 22, lines 29-30.

Claims 36 and 37 are newly added and depend from claims 1 and 11, respectively. New claims 36 and 37 recite that the second region is present and that the 3' end of the second region